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Mayor

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Public Hearing Date: February 14, 2006
Land Use Action Date: April 4, 2006
Board of Aldermen Action Date: April 18, 2005
90-Day Expiration Date: May 15, 2006

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Nancy Radzevich, Chief Planner
Robert Merryman, Senior Planner, 

DATE: February 10, 2006

SUBJECT: Petition #462-05 of E. W. SCRIPPS NETWORKS / SCONNIX REALTY TRUST
/ATS NEEDHAM LLC for SPECIAL PERMIT/SITE PLAN APPROVAL for
installation of two (receive only) dish/earth stations and cooling equipment, and
construction of a 1,500 sq. ft. addition to an exiting transmission station building
at 1165 CHESTNUT STREET Ward 5, NEWTON UPPER FALLS, on land
known as Section 51, Block 45, Lot 5, containing approximately 330,000 sq. ft. of
land in a MULTI- RESIDENCE 1 DISTRICT.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.

EXECUTIVE SUMMARY

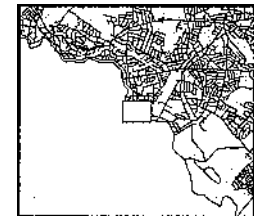
The petitioner is seeking an amendment to a previously approved special permit (13.0. #105686), as amended by B.O. #781-73(2) and B.O. #781-73(3) to allow for the installation of two 12.5 ft. diameter earth station "receive-only" dishes and associated support equipment and construction of a 1,500 sq.ft. addition to the existing transmission station building.

1165 CHESTNUT STREET

City of Newton

- Newton Boundary Zoning Districts
- Property Boundaries,
- Street Names
- Single Res. 1
- Single Res. 2
- Single Res. 3
- Business 2
- Business 4
- Manuf.
- Manuf. 5
- Multi-Res. 1
- Multi-Res. 2
- Multi-Res. 3
- Multi-Res. 4
- Mixed Use 1
- Mixed Use 2
- Possible
- Buildings

1" : 317.2'

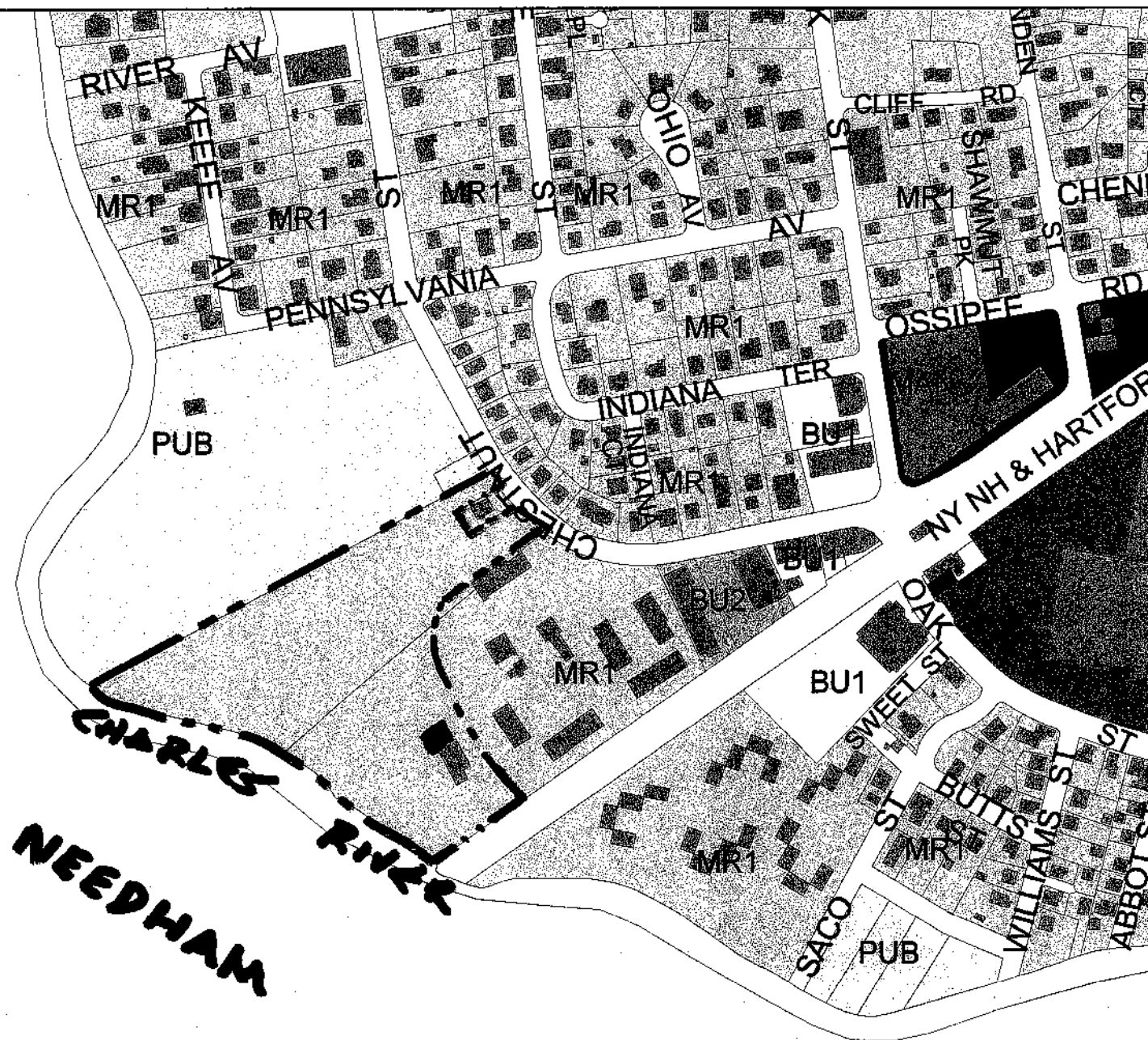


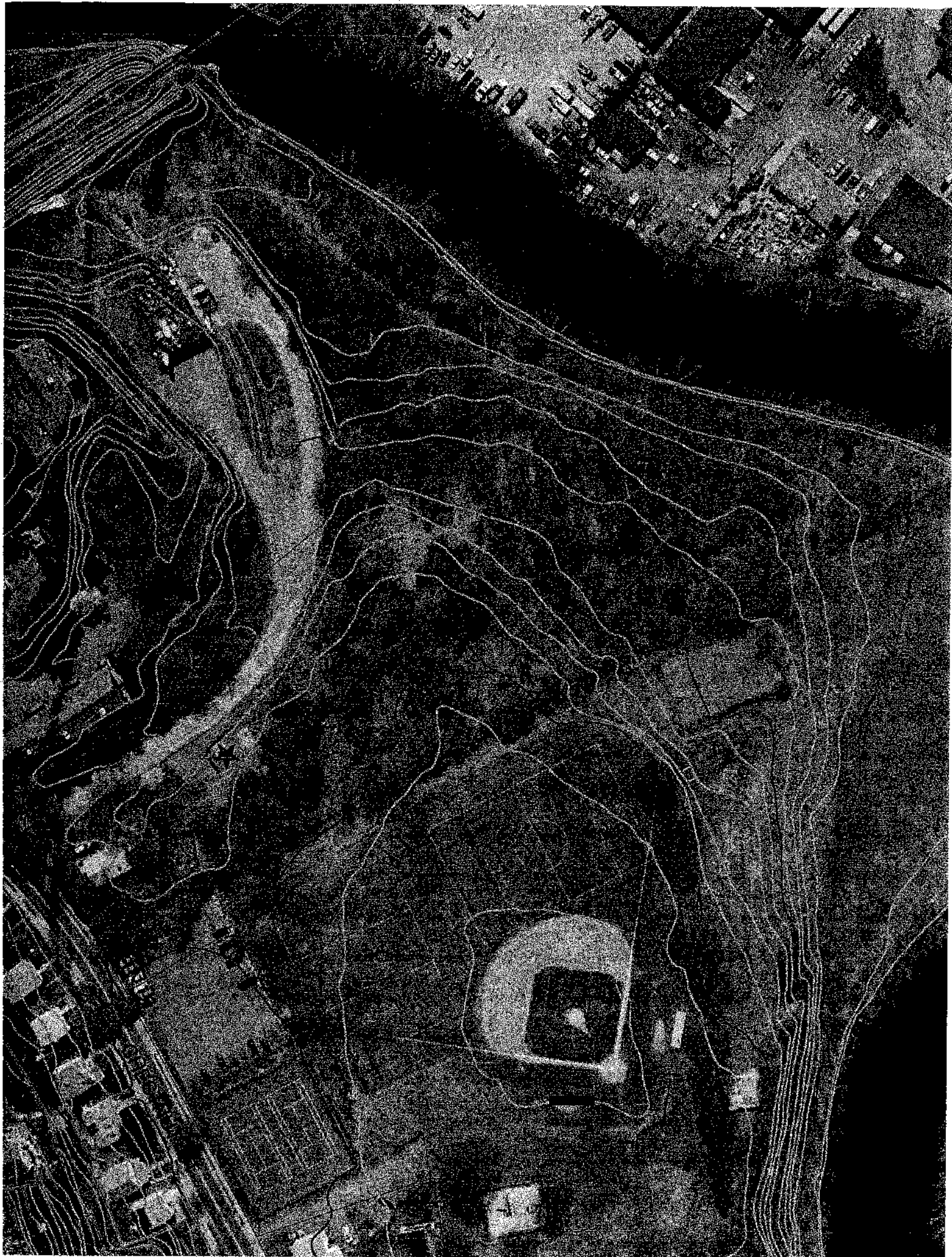
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013-Feb-200





I. BACKGROUND

The granted permissive use for the original radio station and the tower were constructed in 1954 (B.O. #105686), and in 1967, television transmission commenced. Board Orders #781-73(2) and #781-73(3) allowed the construction of the 2-story transmission station.

The station was the subject of several other special permits and City approvals that are not relevant to this petition, but are included for your information. A new 1,351 ft. high tower was approved by the Board (B.O. #285-98), but after a long and successful (for the petitioner) litigation, was never built. Additionally, there have been two approved wireless antenna installations on the tower, first in 1991 and again in 1997. In 1999, the Board also approved a Bell Atlantic underground "telco" vault along the driveway entrance behind 1159 Chestnut Street.

The Board should be aware of the proposed 8 ft. wide pedestrian pathway easement that was offered by the property owner in past petitions and has been added to this proposal. In 1992, the City attempted outright acquisition of certain river frontage. In B.O. #285-98 a pathway easement was made a condition of the special permit for a new tower. That Board Order, however, was the subject of litigation and, after a long delay, the petitioner found a solution elsewhere and the special permit was never executed.

As observed on the site and shown on the submitted plans, the existing transmission station includes 10 dishes that appear to have been installed without benefit of building permits, special permits and wireless communications reviews. At a pre-filing meeting with staff, this issue was discussed and the Planning Department had *strongly encouraged* Scripps Networks' representatives to work with the property owner to either remove the non-permitted equipment from the site or file a request for special permit, that would include the two proposed dishes plus all existing dishes and associated equipment. The attorney for Scripps Networks decided not to file the comprehensive application because Scripps Networks believes that the status of these dishes are separate issues, which need to be corrected by the property owner, and because Scripps Networks is under FCC orders to complete their installation work at this time. As such, the current petition only covers the two receiving dishes currently proposed by Scripps Networks.

The petitioner has agreed that they will not seek final occupancy for their project until the property owner and operators apply for the necessary City approvals for the existing dishes and equipment. (*See Addendum to Special Permit Application.*)

II. ELEMENTS OF THE PETITION

Scripps Networks is seeking to amend existing B.O. #105686, as amended by B.O. #781-73(2) and 781-73(3), to allow for the installation of two 12.5 ft. diameter earth station dishes and support equipment and construction of a 1,500 sq.ft. addition to the existing 7,000 sq.ft. transmission station building at 1165 Chestnut Street. The new addition will contain a small office, bathroom, control room, and a large room for the electronic equipment for the transmission station. The petitioner is proposing to locate the two dishes, transformers, HAVC units and heat exchangers on a new 1,071 sq. ft. concrete pad, next to and east of the proposed addition.

The petitioner is proposing additional landscaping to screen both the proposed addition and the dishes from the Chestnut Grove Condominium, which is located immediately to the west of the subject property. In addition, the property owner will be granting an easement across the property to be part of the City of Newton Charles River Pathway, which will fill in one of the few remaining gaps in this pathway.

This application is currently under review by the Conservation Commission and will be heard on February 16, 2006. An Order of Conditions from the Conservation Commission is necessary as a small portion of the addition, 1/2 of the cement pad, and the storm water detention system would be within the 200 ft. Riverfront Area of the Charles River and the detention basin would also be within the 100 ft. wetland buffer zone.

III. ZONING RELIEF SOUGHT

Based on the Chief Zoning Code Official's written determination (SEE ATTACHMENTS 'A '), the petitioner is seeking relief from or approvals through the following Sections of the Zoning Ordinance:

- > *Section 30-24 allows the Board of Aldermen to grant a special permit for the installation of earth station dishes, the support equipment and construction of a 1,500 sq. ft. addition to the existing transmission station building.*
- > *Section 30-24(d) requires the Board of Aldermen to amend Board Order #781-73(2) condition #1, which currently prohibits additional construction and expansion of transmission facility building.*
- > *Section 30-23 allows the Board of Aldermen to grant site plan approval for the installation of earth station dishes, the support equipment and construction of a 1,500 sq. ft. addition to the existing transmission station building.*
- > *Section 30-9(b)(1) through Section 30-8 (b)(8) allows the Board of Aldermen to grant a special permit for radio and television transmission stations in a Multi Residence 1 District.*
- > *Section 30-9(b)(1) through Section 30-8 (b)(9) allows the Board of Aldermen to grant a special permit for structures that support radio and television transmission stations including dish antennas stations in a Multi Residence 1 District*
- > *Section 30-18A(e)(5), allows the Board of Aldermen to grant a special permit for Satellite earth station antennas not otherwise allowed as-of-right; and*
- > *Section 30-19(d)(15) allows the Board of Aldermen to grant an exception through Section 30-19(m) to reduce the number of parking stalls required*
- > *Section 30-5(6)(4) allows the Board of Aldermen to grant a grade change exceeding (3) three feet.*

IV. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition, the Board of Aldermen should consider the following:

- ◆ *Whether or not the addition of wireless antennas and the ancillary equipment would have a negative impact on the building and/or surrounding neighborhood;*

- ♦ *Whether the requested waiver to reduce the required number of parking stalls from 6 to five (5) is appropriate for this site and the associated use(s); and*
- ♦ *Whether there will be any adverse impacts as a result of the more than 3 ft change in grade.*

V. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. **Site**

The 7.5 acre parcel is an irregularly-shaped, relatively flat site, which slopes down toward the Charles River. The property is currently zoned Multi-Residence 1. The site is improved with two structures, a 2-story communications building and the tower, which are connected by a cable tray. They are located at the rear of the lot adjacent to the MBTA tracks. The site is accessed from Chestnut Street, via a 20 ft. wide paved and gated driveway, which is approximately 470 ft. long. The existing tower is a 1,249 ft. high lattice tower that is stabilized by guy wires located in the north corner of the site, across the river in the Town of Needham, and to the south along the Charles River Pathway. The original tower was built in 1954. Each of the three sides of the tower is 10 feet wide. The two-story concrete transmission station building, which is used by several FM radio stations, is also the transmission facility for several other radio and television stations. The transmission station was built in 1973.

The parcel includes a City of Newton Drain and Sewer Easement, that generally follows the Charles River, and a permanent MDC easement along the edge of the Charles River.

The site has two large asphalt areas where parking can occur, although no actual parking stalls are striped.

As previously noted, in addition to the permitted equipment and structures, there are 10 existing dishes, ranging in size from 4 ft. to 10 ft. in diameter, located on the existing transmission station roof. The Planning Department could find no evidence that building permits or any other necessary City approvals were obtained for these dishes.

C. Neighborhood

The site is bounded on the north by the City of Newton's Braceland Playground, which is in a Public Use District. Further to the north and east is a residential area included in a much larger Multi-Residence 1 District. Immediately to the south is the primary abutter, the 35 unit Chestnut Grove Condominium complex and the MBTA right-of-way. About 1/4 mile further to the south is the Pettee Square commercial district. The site borders the Charles River on the west, and across the Charles River is an industrially zoned area in the Town of Needham, which includes a mix of office and warehouse buildings.

VI. ANALYSIS

A. Section 30-18A(c) — Design and Operating Criteria

Per Section 30-18A(c) of the Zoning Ordinance, all wireless communication equipment, except for the types described in subsections (d)(1) and (d)(7),¹ must satisfy the following criteria:

| REQUIREMENT | COMPLIES | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----|-----|
| | YES | No | N/A |
| 1. A statement from a radio frequency engineer or other qualified engineer certifying that the standards of the 1996 Telecommunications Act have been met. | | | |
| 2. The equipment must at all times be maintained in good and safe condition and comply with all applicable FCC standards and shall be removed within thirty (30) days of the date when all use of such equipment ceases. This applies to all wireless communication equipment and structures, including any existing equipment and structures. (WAIVER REQUESTED) | | | |
| 3. The equipment should be sited, screened, painted or otherwise finished to blend in with the building or structure on which it is mounted in a manner that aesthetically minimizes the visibility of the equipment. | X | | |
| 4. Any fencing used to control access to the equipment should be compatible with its surroundings. | | | |
| 5. Equipment boxes for building-mounted equipment should be either interior to the building on which it is located, completely camouflaged, and/or completely screened from view from the public way. | | | |
| 6. All freestanding wireless communication equipment should meet any setback requirements for the district in which it is located and should be screened from the public way. | X | | |
| 7. No part of building-mounted wireless equipment shall be located over a public way. | X | | |
| 8. Construction of the equipment should avoid major topographic changes and minimize the removal of trees and soil. | X | | |
| 9. Installation of wireless communication equipment shall avoid the removal or disruption of historic resources on and off-site. | | | N/A |
| 10. Wireless communication equipment shall not be illuminated, except as required by state and federal law. | | | |
| 11. Equipment owned and operated by an amateur radio operator shall be constructed at the minimum height necessary to accommodate communications in order to minimize the aesthetic impact. | | | N/A |
| 12. Wireless communication should be maintained and operated in accordance with the City of Newton "Noise Ordinance." Applicants shall use best efforts to minimize noise from any external noise producing equipment, and should provide a report from a qualified acoustical engineer or other appropriate professional certifying that the proposed equipment meets the requirements of the Noise Ordinance. | | | |

¹ Subsection (d)(1) relates to "equipment used solely for receiving or transmitting wireless communication customary for private residential use...including but not limited to, a conventional television or radio antenna, fixed wireless personal communication system, direct broadcast satellite antenna one (1) meter or less in diameter, and multipoint distribution service antenna or home satellite dish of not more than two (2) meters in diameter or measured diagonally. Subsection (d)(7) relates to "satellite earth station antennas not otherwise exempt in subsection (d)(1), which do not exceed two (2) meters in diameter and which are located in business, manufacturing and mixed use districts.

As shown in the table above, the petitioner has satisfied all of the required Design and Operating Criteria with the exception of the item related to the removal of equipment.

The petitioner has requested a waiver of the 30-day removal requirement due to the nature of the equipment. The petitioner stated that they would not be able to remove the dishes, HVAC equipment, interior electronic equipment and the new addition within the 30-day time period.

Although the Planning Department believes that the surrounding woods provides adequate screening for the dishes and ancillary equipment, the plans depict a 7 ft. high chain-link fence with a barbed-wire top surrounding the dishes for security purposes. The petitioner, wants the area immediately surrounding the dishes to be open for security reasons. Technically, the fence does not screen the installation, but since the entire site is screened by existing vegetation, the Planning Department believes that additional screening is not necessary.

The Planning Department has a greater screening concern with certain dish installations on the roof of the transmission building that can be seen from greater distances. A comprehensive plan for all of the dishes and other outside equipment, installed without benefit of City permits or approvals, should be submitted by the property owner as soon as possible.

B. Section 30-15 — Dimensional Controls

The petitioner is proposing to expand the existing transmission facility by constructing a 1,500 sq.ft. addition, and installing two large receiving dishes with ancillary equipment. The following table shows how the proposed addition and equipment installation compares to the relevant dimensional controls in a Multi Residence 1 District.

| Multi-Residence 1 (by special permit) | Required | 1 Existing | Proposed |
|------------------------------------------|---------------|-----------------------------|--------------------------------|
| Minimum lot size | 10,000 sq. ft | 345,575 sq. ft. | 345,575 sq. ft. |
| Frontage | 80 ft. | 140 ft. | 140 ft. |
| Setbacks | | | |
| Front | 30 ft. | 448 ft. | 440 ft. |
| Side (west) | 10 ft. | 31 ft. | 28 ft. |
| Side (east) | 10 ft. | ft. | ft. |
| Rear | 15 ft. | 270 ft. | 318 ft. |
| Building height | 30 ft. | 17.75 ft. to 26.5 ft. | Proposed addition 16.25 ft. |
| Max. # of stories | 2 1/2-stories | 2-story | Proposed addition 1-story |
| Lot coverage | 30% | 1 % | 1.5 % |
| Open space | 50% | 92.1 % | 91.6 % |

As shown in the table above, the proposed wireless installation complies with all the required dimensional controls.

C. Section 30-23 — Relevant Site Plan Approval Criteria

1. Provision of off-street loading and unloading of vehicles incidental to the servicing of the buildings and related uses on the site

The petitioner estimates that a maximum of 4 employees could be on site for weekly maintenance of the equipment. The petitioner is seeking a waiver for one parking stall, based on the fact that this is an unmanned facility. The Planning Department believes that a waiver for one parking stall is reasonable, as adequate parking areas already exists on-site to accommodate the vehicles for periodic maintenance and repairs.

2. Screening of parking areas and structure(s)

The petitioner is proposing additional evergreen screening along the Chestnut Grove Condominium side of the property, which should screen the parking area, and help to break up the façade of the proposed addition. The dishes and the ancillary equipment will be screened from the neighborhood by the new building addition and the existing wooded area along the Charles River.

3. Avoidance of major topographical changes and soil removal

The petitioner is proposing a grade change of more than 3 ft. over an area of 2,380 sq. ft, in order to provide a level cement pad for the 2 dishes, and ancillary equipment. The grade change appears to be minor in relation to the 7.5 acre wooded site, which provides a screening for the dishes at grade (originally proposed for a roof top installation).

4. Consideration of site design, including the location and configuration of structures and the relationship of the site's structures to nearby structures in terms of major design elements including scale, materials, color, roof and cornice lines

The proposed one story flat roofed addition with a split block façade will be an improvement over the existing two-story cinder block building. The proposed dishes are larger than the existing roof-mounted dishes (installed without benefit of building permits, special permits and wireless communications reviews), however, they will be less visible from the abutters because they will be installed at grade.

The petitioner has submitted a pamphlet including a picture of a Satellite Antenna Snow Cover that would make the dishes less visually obtrusive. The existing dishes and the proposed dishes are a bright white, which can be seen through the trees at a distance. The proposed covers would tone down the bright color and help to make the dishes blend with the existing trees. Additionally, the petitioner has offered to paint the backs of the dishes gray to further reduce the visual impact.

D. Section 30-24 Relevant Special Permit Criteria

1. The specific site is an appropriate location for such use/structure.

The site has been used for radio/television transmission since 1954. The petitioner has proposed a building addition and dish installation to comply with FCC requirements on a large and mostly wooded site.

As previously noted, the Planning Department is concerned about the existing roof-mounted dishes that have been installed without benefit of building permits, special permits and wireless communications reviews.

2. The use as developed and operated will not adversely affect the neighborhood.

The use as proposed should not adversely affect the neighborhood.

E. Pedestrian Pathway Easement

This 7.5 acre site has been included on the City's Open Space Plan acquisition list for many years. Discussions with the previous property owners during the 1980s had been unsuccessful in achieving acquisition, easement or accessway along the Charles River to extend the Charles River Pathway. This site lies between Braceland Park, which is a heavily used recreation area in Upper Falls, and the City-owned parcel and pathway at the end of Williams Street. This site is a critical link to achieving a continuous Charles River Pathway system. In 1998, American Tower Systems purchased the site and as part of a new tower proposal would have granted a conservation easement on 60% of the site and included a pathway easement. Although approved by the Board of Aldermen, the project was never built, because of litigation. The petitioner is willing to grant the same easement for a pathway along the Charles River.

F. Construction Issues

Construction hours shall comply with the City's noise ordinance. Additionally, all construction materials shall be stored on site. Trucks, equipment and vehicles of construction workers shall not be parked, even temporarily, on Chestnut Street.

VI. SUMMARY

The petitioner is seeking an amendment to existing special permits to install two 12.5 ft. diameter earth station dishes and all of the support equipment on a new cement pad and a 1,500 sq. ft. expansion of the existing transmission station building. An easement for the "Charles River Pathway" has been offered as part of the proposal.


The existing transmission station contains 10 dishes that have been installed without benefit of building permits, special permits and wireless communications reviews.

Should the Board choose to approve this request for special permit, the Planning Department suggests that the occupancy permit for the proposed addition and two dishes not be issued until the property owner makes proper application for all necessary City approvals for the existing dishes and equipment, not otherwise previously approved.

Zoning Review Memorandum

Dt: December 13, 2005

To: Jason Rosenberg, representing E.W. Scripps Networks

Fr: Juris Alksnitis, Chief Zoning Code Official 

Cc: Michael Kruse, Director of Planning and Development
John Lojek, Commissioner of Inspectional Services

Re: **Expansion of transmission facility**

Applicant: E. W. Scripps Networks.

Site: 1165 Chestnut St.

SBL: Section 51, Block 45, Lot 5

Zoning: MR-1

Lot Area: 330,000 sq. ft.

Current use: Transmission facility

Prop. use: Transmission facility

Background:

In 1954, the Board of Aldermen issued Board Order #105686 granting permission for a commercial television transmission tower exceeding 40 ft. on this site, then zoned Private Residence, with the condition that the use of the tower be limited to Channel 5. The existing transmission building appears to have been constructed in the late 1950's. Subsequently, in 1973, the WHDH Corporation requested the removal of this limitation, which was granted by Board Order #781-73(2). However, the latter Board Order also added the condition prohibiting all new or additional construction at this transmission facility. While companion petition #781-73 requested permissive use for a two-story radio station, this item was withdrawn by the applicant. Thereafter, successor Board Order #258-98 was issued allowing a number of improvements and expansion of the transmission facility. Although a legal challenge to BO #258-98 did not succeed in court, the subject Board Order subsequently expired. Since that time, it appears that various antenna installations not associated with the current applicant have taken place without special permits or review pursuant to Section 30-18A. The petitioner proposes to build a one-story addition to house electronic equipment and to install two dish-type satellite receive-only antennae in a fenced area on the western side of the proposed addition. The current petition seeks to amend the prior Board Orders and obtain a site plan approval to accommodate the proposed improvements.

Administrative determinations

1. BO #105686, as amended by #781-73(2) governs the subject site, along with provisions set out in Section 30-9(b)(1) [with specific reference to Sections 30-8(b)(8) and (9)] and in 30-18A, which address transmission facilities and wireless communication equipment. The current petition seeks to expand the existing transmission facility, necessitating amendment of prior Board Orders, and a special permit with site plan approval from the Board of Aldermen (Board) pursuant to Sections 30-9(b)(1), 30-23, and 30-24(d). Transmission facilities are allowed in the

allowed in the MR-1 zone subject to special permit. Wireless communication installations are subject to Section 30-18A.

2. As no plans were referenced in prior board orders, the site plan and related plans associated with the proposed improvements will become the plans of record, subject to approval by the Board of Aldermen. These plans identify an area adjacent to the proposed addition which will involve alteration of existing grades in excess of 3 ft., necessitating approval by the Board of Aldermen per Section 30-5(b)(3). The proposed addition to the transmission facility building and proposed ancillary structures (such as concrete pads, HVAC equipment, retaining wall, etc.) meet Section 30-15, Table 1, *Density & Dimensional Controls in Residence Districts and for Residential Uses*, applicable to uses in residence districts.
3. *Parking* requirements articulated in Sections 30-19(c)(2)a), 30-19(d)(15), and 30-19(g), respectively, establish the parking requirements applicable to parking facilities of this size. The proposed enlargement requires that a calculation be performed in accordance with the formula $A - B + C$. The applicant states that the facility will be increased from 7,000 sq. ft. to 8,500 sq. ft. with a maximum additional potential employee count of 4. Application of the formula yields the following: $6 - 4 + 5 = 7$, where A: 6 spaces required with enlargement $[8,500/2,500 = 4 + 8 \text{ est. max. existing \& future employees}/4 = 2 = \text{total of } 6]$ minus B: 4 spaces required without enlargement $[7,000/2,500 = 3 + 4 \text{ est. max. existing employees}/4 = 1 = \text{total of } 4]$ plus C: 5 existing (informal) spaces = 7. However, as the total future required spaces may not exceed A, the number of required spaces is 6. Proposed plans indicate 5 spaces will be provided. These spaces will be located in two parking areas – 2 in the upper area, and 3 in the lower area. The applicant seeks a waiver of 1 space pursuant to Section 30-19(m), based on –0- typical employment at the proposed addition, as it is designed to be unmanned except when repairs or maintenance are necessary on a periodic basis.
4. *Wireless Communication Equipment*, Section 30-18A establishes the applicable requirements pertaining to wireless equipment to be installed within the proposed addition as well as to outside wireless equipment proposed to be installed within the new exterior fenced area, to include satellite receive-only dish-type antennae and ancillary equipment. Applicant seeks to modify 30-day removal requirement due to character of installation and site, which may be granted by the Board per Section 20-18A(h) and subject to conditions as deemed necessary.
5. It appears that various antennae and related equipment have been installed at this site belonging to tenants other than the applicant. This seems to have occurred over time and without either special permit as required per Section 30-9(b)(1) [and Sections 30-8(b)(8) and (9)] or without benefit of procedures and requirements established in Section 30-18A. The owner of the facility together with these other tenants, respectively, are responsible for obtaining the necessary permits consistent with all applicable procedures.
6. *Signs and Other Advertising Devices*, Section 30-20 governs signage. While no information as to signage has been submitted, the petitioner is responsible for meeting the applicable sign permitting requirements in the event signs are contemplated.
7. *Watershed conservation requirements* are administered by the Conservation Commission. The applicant is responsible for meeting all applicable procedures and requirements. It is noted that the applicant has submitted a Vegetation Management Plan.

8. See "Zoning Relief Summary – Transmission Facility" and "Summary – Wireless Installation Criteria", below.

| Ordinance | <i>Zoning Relief Summary — Transmission Facility</i> | |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| | <i>Action Requested</i> | |
| 30-24(d) Ordinance #781-73(2), Cond#1. | Modification of Cond. # 1 prohibiting "no new or additional construction" and expansion of transmission facility building. | X |
| | Use | |
| 30-8(b)(8) 30-9(b)(1) | Approval of expanded television transmission station on site zoned MR-1, also subject to 30-18A. | X |
| 30-8(b)(9) 30-9(b)(1) | Approval of structures supporting television receiving station, including dish antennas on site zoned MR-1, also subject to 30-18A. | X |
| | Wireless Communication Infrastructure | |
| 30-18A(e)(5) | Approval of two receive-only 3.8 m dish type earth station satellite antennae in fenced area adjacent to proposed building addition, on site zoned MR-1. | X |
| 30-18A(e)(5) | Approval of ancillary equipment within fenced area adjacent to proposed addition, including transformers, HVAC condensers, and heat exchangers, on site zoned MR-1. | X |
| 30-18A(e)(5) | Approval of ancillary equipment within proposed transmission building addition, including controls and equipment to retransmit incoming satellite signals over coaxial landlines. | X |
| 30-18A(h) 30-18A(c)(2) | Approval of waiver to modify 30-day removal requirement due to character of site and equipment, and subject to such conditions as the Board of Aldermen may apply. | X |
| | Other | |
| 30-19(m); 30-19(d)(15) | Approval of waiver reducing the required spaces to 5 by allowing the calculation to exclude employment, as the proposed facility addition will be unmanned except for maintenance and repairs. | X |
| | Sign | |
| 30-20(e)(4) 30-20(1) | Limitations pertaining to a residential zone apply. Note: signage request not submitted. | N/A |
| | Other | |
| 30-5(b)(4) 30-23 | Approval of grade change exceeding 3 ft. as indicated on plan. | X |
| 30-23 | Approval of new site plan reflecting proposed alterations to building, parking, landscaping, exterior receive-only dish-type antennae, exterior ancillary equipment and related changes. | X |
| | Special Permit | |
| 30-24(d) | Approval of special permit with conditions, as applicable. | X |
| Ordinance #105686 Ordinance #781-73(2) | Amendment of prior Board Orders #105686 & #781-73(2). | X |

| <i>Ordinanc</i> | <i>Summary - Wireless Installation Criteria</i> | <i>Co</i> |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 30-18A(d)(1) | N/A | N/A |
| | Amateur | |
| 30-18A(d)(2) | N/A | N/A |
| | Commercial | |
| 30-18A(d)(3)-(5) | Located in Business, Manufacturing, or Mixed Use zone | N/A |
| 30-18A(e)(5) | Located in MR-1 zone – Requires special permit and related approvals – See Zoning Relief Summary – Transmission Facility, above. | See above table |
| | Design and Operating Criteria | |
| 30-18A(c)(1) | Applicant has submitted a report from a qualified professional indicating compliance with Federal and Mass. laws and regulations pertaining to radio frequency emissions and related requirements to the extent applicable to receive-only dish-type antennae. | Yes |
| 30-18A(c)(1) | Applicant has submitted a copy of the applicable FCC license(s). | Pending |
| 30-18A(c)(2) | Applicant has provided statement agreeing to maintain equipment in good and safe condition and to comply with all applicable FCC standards. Note: Applicant seeks to modify 30-day removal requirement due to character of installation. | Yes |
| 30-18A(c)(3) | Proposed installation is suitably screened and camouflaged. | Yes |
| 30-18A(c)(4) | Proposed fencing controlling access to installation is compatible with neighborhood. Note: Minimally visible to neighborhood. | N/A |
| 30-18A(c)(5) | Equipment boxes must be located in interior of building, be completely camouflaged, or completely screened from view from the public way. | Yes |
| 30-18A(c)(6) | Freestanding wireless installation must meet setback requirements; shall be screened from the public way; shall be located in the rear yard of the subject lot. | N/A |
| 30-18A(c)(7) | No part of any building-mounted installation shall be located over a public way. | N/A |
| 30-18A(c)(8) | Installation avoids major topographic changes; minimizes removal of trees and soil; is compatible with appearance of neighborhood. Note: Proposed grade change exceeding 3 ft. to be located behind new addition. | Yes |
| 30-18A(c)(9) | Installation avoids removal or disruption of historic resources on and off site. | Yes |
| 30-18A(c)(10) | Installation is not illuminated except as required by state and federal law. Note: Minimal lighting proposed at door. | Yes |
| 30-18A(c)(11) | Complies with requirements pertaining to amateur radio operations. | N/A |
| 30-18A(c)(12) | Applicant has submitted a report from a qualified acoustical engineer indicating interior and exterior installation complies with City of Newton Noise Ordinance. | Pending |

References:

- Board Order #105686, April 4, 1954
- Board Order #781-73(2), December 17, 1973

Plans reviewed

- Plan set titled "Expansion of Transmission Station Building at Chestnut St. in Newton, MA, dated November 2, 2005, prepared by Daylor Consulting Group, Inc. Ten Forbes Rd., Braintree, MA 02184, with Sheets 3 and 4 stamped and signed 12/7/05 by Richard E. Sweeney, Jr., Registered Professional Engineer, and consisting of the following:
 - Sheet 1 of 4 – Cover Sheet
 - Sheet 2 of 4 – Existing Conditions Plan
 - Sheet 3 of 4 – Proposed Layout Plan, last revised 12/12/05
 - Sheet 4 of 4 – Grading Plan
- Plan set titled "Transmission Station Expansion, Newton Upper Falls, MA", undated, prepared for Scripps Networks by Integrated Design Group, Inc., bearing not stamped or signature, consisting of the following:
 - Sheet A01 – Contains plan view and legend indicating changes
 - Sheet A02 – Contains east elevation and west elevation
 - Sheet A03 – Contains north elevation and south elevation
- Set of 10 color photographs with various views of existing conditions at site.